

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In Re:
Larry Kryzaniak
Lisa Kryzaniak
Debtors.

Chapter 13
Case No: 12-24992

Larry Kryzaniak
Lisa Kryzaniak

Adversary Case No: _____

Plaintiffs,

v.

BAC Home Loans Servicing, LP
Defendant.

**COMPLAINT FOR DETERMINING THE VALIDITY OF
MORTGAGE LIEN OF BAC HOME LOANS SERVICING, LP**

NOW COMES, Larry and Lisa Kryzaniak (“Plaintiffs”), by and through their attorneys,
Maruggi Law Group, LLC, by Attorney Andrew Maruggi, for their claim against BAC Home Loan
Servicing, LP (“Defendant”) and allege as follows:

1. That Plaintiffs live at 5080 County Road R, Oshkosh, WI 54902. On April 13, 2012,
Plaintiffs filed for relief under Chapter 13 of the Bankruptcy Code in the Eastern District of Wisconsin.
2. Upon information and belief, BAC Home Loan Servicing, LP, “Defendant” is a
corporation whose principal office address is 4500 Park Granada CH-11, Calabasas, CA 91302, said
corporation being licensed to do business in the State of Wisconsin.

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3. Plaintiffs are the owner of a home at 5080 County Road R, Oshkosh, WI 54902 that is their homestead. A market analysis dated April 12, 2012 indicates Plaintiffs' homestead has a total estimated fair market value of \$125,425.00. A copy of this market analysis is attached hereto and labeled as Exhibit A.

4. Plaintiffs have a first mortgage encumbering their homestead with BAC Home Loan Servicing, LP. The approximate pay-off balance on that mortgage as of April 13, 2012 was \$155,431.68 as set forth in the Proof of Claim filed in this case, also attached hereto and labeled as Exhibit B.

5. Defendant holds a second mortgage of record that is junior to the first mortgage. The approximate pay-off balance on this mortgage was \$28,529.00 as set forth in the bankruptcy schedules filed herein and signed by Plaintiffs under penalty of perjury.

6. This is an action pursuant to 11 U.S.C. 1322(b) for determination of the status of said creditor's lien. The Court has jurisdiction over this action pursuant to 28 U.S.C. Sec. 1334, and is a core proceeding.

7. Defendant is a wholly unsecured creditor herein 11 U.S.C. § 506(a).

8. Defendant's second mortgage is voidable 11 U.S.C. § 506(d).

WHEREFORE, Plaintiffs request the Court enter judgment declaring that the claim of Defendant and of any successors in interest is wholly unsecured and void upon issuance of a discharge to Plaintiffs, awarding Plaintiffs reasonable costs, disbursements and attorney fees and for such further relief as may be just and equitable.

Dated this 7th day of June, 2012

MARUGGI LAW GROUP, LLC.

/s/ Andrew Maruggi

Andrew Maruggi, SBN 1075173
Attorney for Debtor(s)

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